



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LT. GOVERNOR

MARY ELIZABETH HEFFERNAN
SECRETARY

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Department of Fire Services

P.O. Box 1025 ~ State Road

Stow, Massachusetts 01775

(978) 567~3100 Fax: (978) 567~3121

www.mass.gov/dfs



STEPHEN D. COAN
STATE FIRE MARSHAL

MEMORANDUM

TO: Heads of Fire Department

FROM: Stephen D. Coan
State Fire Marshal

DATE: November 1, 2010

SUBJECT: Novelty Lighters

As you may be aware, the Governor signed into law "An Act Prohibiting the Use of Novelty Lighters" on August 9, 2010. This law becomes effective November 7, 2010. On or after that date, this new law prohibits the manufacture, sale, exchange, storage or transportation of any novelty lighter.

In general, a novelty lighter is defined as a mechanical or electrical device, which produces a flame and due to its physical or audio features, would appeal to a child under the age of 10. Such features are those that resemble cartoon characters, toy gun, watch, musical instrument, etc. and which plays musical notes or otherwise displays flashing lights. The thrust of the statute is to prohibit toy like novelty lighters. Violations of the statute are punishable by fines not less than \$500 nor more than \$1,000 or by imprisonment for not more than one year, or both.

The statute contains several exceptions for novelty lighters: (i) collectibles manufactured before January 1, 1980; (ii) disposable or refillable lighters with logos, labels, or other artwork printed on the lighter or on a shrink wrapped sleeve, provided they do not otherwise resemble a novelty lighter; and (iii) lighters not intended for sale or use in the Commonwealth, being transported or temporarily being stored while in interstate commerce.

This is a criminal law. Like all crimes, they are subject to the filing of a criminal complaint in a court of competent jurisdiction (typically, District Court). As a practical matter, the Head of the Fire Department (or his designee) should order the individual to cease and desist from the selling, storage, or distribution of these lighters, in violation of the statute (M.G.L. Chapter 148, section

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60) and order them off the shelves. If there is no compliance or an unwillingness for the owner to comply, the Head of the Fire Department may seek a criminal complaint in the District Court having jurisdiction.

For your convenience, I have enclosed a fact sheet on novelty lighters and a copy of the new law. I strongly encourage you to distribute these two documents to all retail outlets in your community and follow up with a site visit to those locations to ensure compliance.

If you have any questions please contact the Code Compliance and Enforcement Unit at (978) 567-3375 or in Western, Massachusetts at (413) 587-3181.

Chapter 276 of the Acts of 2010

AN ACT PROHIBITING THE USE OF NOVELTY LIGHTERS

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Chapter 148 of the General Laws is hereby amended by adding the following section:-

Section 60. (a) For the purposes of this section, “novelty lighter” shall mean a mechanical or electrical device manufactured for the purpose of producing a flame to light cigarettes, cigars or pipes and which, due to the physical or audio features of the device, excluding its capability of producing a flame, would reasonably be expected to cause the lighter to be appealing or attractive to a child under the age of 10 including, but not limited to, lighters that resemble a cartoon character, toy, gun, watch, musical instrument, vehicle, animal, beverage, sporting equipment or that is capable of playing musical notes or displaying flashing lights.

(b) Whoever manufactures, offers for sale, sells, exchanges, gives away, stores or transports any novelty lighter shall be punished by a fine of not less than \$500 and not more than \$1,000 or by imprisonment for not more than 1 year, or both.

(c) This section shall not apply: (i) to a novelty lighter manufactured before January 1, 1980 and which is considered a collectible item within the collectible trade; (ii) to a disposable or refillable lighter with a logo, label, decal or artwork printed thereon or on heat shrinkable sleeves attached thereto but which does not otherwise resemble a novelty lighter; or (iii) if not intended for sale or use in the commonwealth, to the interstate transportation of a novelty lighter or to the temporary storage of a novelty lighter while in interstate commerce.

Approved, August 9, 2010.



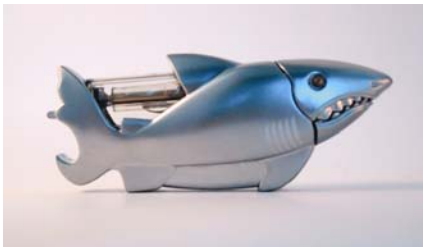
Novelty Lighters: Important Retailer Information



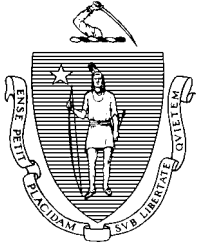
A message from the Department of Fire Services
and State Fire Marshal, Stephen D. Coan

On August 9, 2010, Governor Patrick signed into law "An Act Prohibiting the Use of Novelty Lighters." This law becomes effective November 7, 2010. On or after that date, this new law prohibits the manufacture, sale, exchange, storage or transportation of any novelty lighter throughout the Commonwealth of Massachusetts. **Violations of the statute are punishable by fines not less than \$500 nor more than \$1,000 or by imprisonment for not more than one year, or both.** See copy of law attached.

Whether being confused for toys or played with for their likeness to toys, lighters such as those below, have been the cause of many tragic fires. Below are examples of various types of available novelty lighters. This is NOT all-inclusive:



Beware! Lighters of this nature are not yet illegal nationwide. Even though your supplier may still offer these items for sale, you **MUST** not offer for sale, sell, exchange, give away, or stock them in your establishment. Questions? Contact the State Fire Marshal's Office at (978) 567-3712.



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STEPHEN D. COAN
STATE FIRE MARSHAL

MEMORANDUM

TO: Heads of Local Fire Departments, Heads of Local Police Departments, Massachusetts District Attorneys, and the Massachusetts State Police Fire and Explosion Investigation Unit

FROM: Stephen D. Coan
State Fire Marshal

DATE: August 3, 2010

RE: **The Bomb Bill** – *(the following summary of this legislation has been drafted by Department of Fire Services' General Counsel Steven Rourke)*

I am pleased to announce that on July 15, 2010, the Governor signed into law S. 2468 "An Act Relative to the Regulation of Explosives." The bill is now codified as Chapter 160 of the Acts of 2010 and became effective upon passage (July 15, 2010).

The so called "bomb bill" creates a comprehensive statutory scheme criminalizing the: possession/use of explosives, dangerous chemicals, or other substances; destructive or incendiary devices; hoax devices, and component parts capable of creating such devices, which are intended to be used to kill or injure persons or damage property.

The impetus for this omnibus bill was an adverse decision in Comm. v. Carter, 442 Mass. 822, 817 N.E. 2d 768, where the Court ruled that "infernal machine" as used in the former statute (G.L. c. 266, s. 102A) absent any definition, required proof of assembly of dangerous component parts capable of creating a dangerous device (infernal machine).

The "bomb bill" closes a gap in the previous law by allowing state and local law enforcement to prosecute individuals found in possession of bomb-making materials who intend to construct devices from these component parts. Formally, the law required these parts to be assembled. This change now brings Massachusetts law in line with the federal law regarding component parts and consolidates the prior statutory language found in various statutes into one comprehensive statutory scheme, creating enhanced criminal penalties for:

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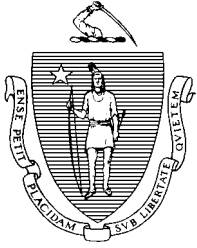
1. Unlawful possession/use of: explosives or dangerous substances, destructive or incendiary devices or component parts capable of building a destructive or incendiary device;
2. Unlawful possession or use of a hoax or destructive or incendiary device;
3. Discharge or ignition of a destructive or incendiary device; or
4. Possession or use of a biological, chemical or nuclear weapon.

In addition, the bill creates notification requirements be made to the State Fire Marshal, when a defendant convicted for possession/use of bombs or bomb making materials is released from prison, similar to the current notification for the release of convicted arsonists. Finally, the new law authorizes the State Fire Marshal to suspend or otherwise not issue, a blaster's license (blaster's license allows individuals to obtain explosives) to any person subject to a domestic violence 209A restraining order.

The Department of Fire Services worked in conjunction with the Massachusetts State Police Fire and Explosion Investigation Unit and Senator Steven Baddour (the bill's sponsor) over the last six months to create a comprehensive law which provides police and prosecutors the tools they need to address the ever increasing dangers surrounding the unlawful possession of bombs and bomb making materials. A copy of Chapter 160 of the Acts and Resolves of 2010 may be obtained at: <http://www.mass.gov/legis/laws/seslaw10/sl100160.htm>

SDC/mel

cc: Colonel Marian J. McGovern
Undersecretary Kurt N. Schwartz



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STEPHEN D. COAN
STATE FIRE MARSHAL

MEMORANDUM

TO: Heads of Fire Departments

FROM: Stephen D. Coan
State Fire Marshal

DATE: November 1, 2010

SUBJECT: Outdoor Wood Fired Boilers and Outdoor Wood Burning Devices

This office continues to receive inquiries regarding the use of outdoor wood fired boilers and various other devices such as chimineas. In order to provide guidance to local fire departments, the Department of Fire Services is re-issuing this updated advisory. Please note the changes regarding new regulations affecting outdoor wood fired boilers.

Outdoor Wood Fired Boilers

Outdoor wood fired boilers are self-contained hot water boilers that are fired by wood. Because of the size, location and configuration of these units, they are not regulated under the Massachusetts Fire Code (527 CMR). However, a building permit for the installation is required under the Massachusetts State Building Code (780 CMR). In addition, the Massachusetts Department of Environmental Protection promulgated new regulations on wood fired boilers (hydronic heaters) at 310 CMR 7.26(50)-(54), which require the following:

- Only those outdoor hydronic heaters (wood fired boilers) that are EPA Phase 2 "white tag" qualified and whose manufacturers have filed compliance certifications with MassDEP may be sold for installation in Massachusetts, on or after April 1, 2009. A list of currently certified units may be obtained at:
<http://www.mass.gov/dep/air/community/certohh.htm>
- New units must be located minimum distances away from property lines and neighbors' dwellings (determined by their heat output ratings and specific uses), meet minimum

smokestack height requirements, burn only clean seasoned wood, and cause no nuisances or conditions of air pollution.

- Existing units (those in operation before December 26, 2008) are not required to be EPA Phase 2 "white tag" qualified, but "like new" units are subject to minimum smokestack height requirements, must burn only clean seasoned wood, and may not cause nuisances or conditions of air pollution.

Additional information on these regulations may be obtained by visiting the MassDEP site at: <http://www.mass.gov/dep/service/regulations/ohhregfs.doc>

Owners must comply with all applicable local rules governing Outdoor Hydronic Heaters, also referred to as wood fired boilers. MassDEP has authority to enforce all provisions of the regulation. In addition, municipal Boards of Health may enforce the regulation's specific operational, visibility and setback requirements (including burning improper fuel), and may also enforce the manufacturers' labeling requirements.

Massachusetts Air Pollution Control Regulations (310 CMR 7.00, *et seq.*), prohibit any burning which creates a nuisance or a condition of air pollution (i.e., excessive smoke) or hazard to others. This specific portion of the regulation is enforceable by the fire department (310 CMR 7.09).

Outdoor Fire Pits, Outdoor Fireplaces and Chimineas

These are devices that have gained in popularity over the past several years, and they come in many shapes and sizes. These devices are not specifically regulated under Chapter 148, 527 CMR or the Air Pollution Prevention Regulations 310 CMR 7.00. Typically these devices are to be fueled by clean firewood. 310 CMR 7.07 (relative to the Fire Pits) and 7.08 (relative to the Outdoor Fireplaces and Chimineas) prohibit the burning of trash, refuse or other similar material in such devices. As with wood boilers, 310 CMR 7.09 prohibits any burning which creates a nuisance or a condition of air pollution (i.e., excessive smoke) or hazard to others, and again the fire department does have authority to enforce this prohibition pursuant to 310 CMR 7.09. Additionally, Massachusetts General Law Chapter 148 § 5 allows the head of the fire department to order that conditions likely to cause fire be remedied. This could be applicable when these devices are located on decks, or porches or located close to buildings.

A copy of the relevant sections of 310 CMR 7.00 can be found by visiting: <http://www.mass.gov/dep/air/laws/regulati.htm>

If you have any questions, you may contact your regional Massachusetts Department of Environmental Protection or visit Mass. DEP's web sites at <http://www.mass.gov/dep> or <http://www.mass.gov/dep/air/community/burnwood.htm>.

SDC/ml

PUBLIC SAFETY FIRE LEADERSHIP FORUM

DECEMBER 16, 2010

REGISTER NOW!



Public Safety 2010 - Some Thoughts on Managing Risks in Public Safety Operations

An organizational risk manager looks inside any organization to see what can be done today to avoid/minimize incidents from going wrong. It focuses on the "5-Pillars" of a successful organization and gives the audience ideas that can be initiated in the workplace immediately to improve performance.

This program is recommended for senior officers in both police and fire organizations.

Course Number: 200-039-669 Session A

Speaker: Gordon Graham, Graham Research Consultants

Gordon Graham is a 33-year veteran of California Law Enforcement. His education as a Risk Manager and experience as a practicing Attorney, coupled with his extensive background in law enforcement, have allowed him to rapidly become recognized as a leading professional speaker in both private and public sector organizations with multiple areas of expertise.

Date & Time: Thursday, December 16, 2010 @ 1000 – 1500 hrs

Location: Devens Common Center, Devens, MA

www.devenscommoncenter.com

**Payment of \$25.00 is required to attend this forum
(Coffee and lunch is included)**

Please submit in advance a completed standard DFS / MFA student application along with your money order or personal check for \$25.00, made payable to "The Massachusetts Firefighting Academy Trust Fund" to the address below.

Mail to: Massachusetts Firefighting Academy, P.O. Box 1025, State Road, Stow, MA 01775

This program is being presented in cooperation with Fire Chiefs Association of Massachusetts and Massachusetts Police Chiefs Association

Special Presentation for Massachusetts Senior Public Safety Officers



TREE SAFETY

- Never use candles as decorations.
- Keep tree away from heat.
- Never use a cut tree in a place of public assembly (apartment or hotel lobbies, restaurants, etc.).
- Water a cut tree daily.
- Use a “non-tip” style tree stand.
- Use only fire retardant decorations.
- **Never leave a lit tree unattended.**
- Dispose of your tree properly, soon after the holiday before needles dry out.
- Artificial trees should have a fire retardant label.



KEEP THE SEASON BRIGHT... WATCH THOSE LIGHTS !

- Unplug all lighting before retiring for the evening or leaving the house.
- Blow out candles before leaving the room. Don't leave candles burning unattended.
- Purchase lights and electric decorations which are listed by an approved testing agency such as Underwriters Laboratory (UL).
- Check all lighting for frayed wires, broken plugs, sockets, etc.
- Never overload outlets. Use no more than three strands of lights on a single extension cord.
- Never use candles on trees, near live or other flammable decorations.
- Never hang lights on a metallic tree.
- Always use appropriate weatherproof lights outdoors.



GIVE THE
GIFT OF
LIFE...



...GIVE
SMOKE
DETECTORS!



WINTER HOLIDAY FIRE SAFETY



Stephen D. Coan, State Fire Marshal

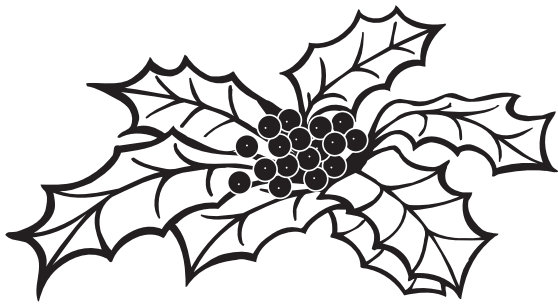
Commonwealth of Massachusetts

Department of Fire Services

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December, 2009



Medidas de Seguridad con el Arbol

- Jamás use velas para decorar el árbol.
- Mantenga el árbol lejos de la calefacción.
- Jamás exhiba un árbol vivo en lugares públicos (los vestibulos de hoteles o apartamentos, o restaurantes, por ejemplo.)
- **Regue diario el árbol navideño.**
- Como base de soporte utilice una que sea suficiente fuerte y segura.
- Utilice solamente decoraciones de materia incombustible.
- Jamás deje desatendido un árbol iluminado.
- Después de las celebraciones deseche el árbol apropiadamente, antes de que se seque.
- Los árboles de imitación deben llevar una etiqueta que dice que el árbol consta de materia incombustible.



Ilumine los Días Festivos... ¡Cuidado con las Luces !

- **Desenchufe el sistema de luces eléctricas antes de acostarse o de salir de la casa.**
- Compre luces y decoraciones eléctricas que han sido aprobadas por una agencia reconocida (por ejemplo, Underwriter's Laboratory.)
- Inspeccione los cables, enchufes y tomacorrientes para asegurar que estén en buena condiciones.
- Jamás sobrecargue el sistema eléctrico. Utilice no más de tres cables de luces por cada cable de extensión.
- Jamás ponga velas en las ramas del árbol, cerca de ramas decorativas, o cerca de decoraciones flamables.
- Fuera de casa utilice siempre luces a prueba de la intemperie.
- Jamás cuelgue luces en un árbol metálico.

¡Otorgue el
Regalo de la
Vida...



Regale
Detectores
de Humo!



Seguridad contra Incen-
dios durante los Días
Festivos



Stephen D. Coan, State Fire Marshal
Commonwealth of Massachusetts
Department of Fire Services
P. O. Box 1025 • Stow, Massachusetts 01775
www.mass.gov/dfs
December, 2009

**Commonwealth of Massachusetts
Department of Fire Services
Job Posting**

Crib Support Staff

Job Information:

Official Title:	Crib Support Staff
Functional Title:	Crib Support Staff
Position Type:	Part-time
Full-time/Part-Time:	Part-time
Salary Range:	\$15.49
Shift:	varies
Number of Vacancies:	12
Confidential:	No
City/Town Location:	Stow
Facility Location:	Stow
Region:	Central
Application Deadline:	November 12, 2010

Duties:

The Crib Support Staff performs the following duties:

- Provide support (assistance) for programs being offered both here and off-site. This includes operating fire equipment, setting up and operating props for training, assisting instructors in demonstration and practical evolutions, and building and igniting fires as requested.
- Perform tasks and jobs similar to those performed when working in a fire department.
- May work in any of the programs as needed and is knowledgeable about the support needs of each of the programs.
- Other duties as assigned: This may include Class B driver's license for the operation of a fire truck or other vehicle weighing over 26,000, both at DFS and off-site at training programs.

Qualifications:

- Knowledge and experience in a specific area of expertise needed by MFA
- Possession of a valid Massachusetts Drivers License.
- A Massachusetts Commercial Class B Driver's License allowing the operation of a vehicle weighing over 26,000 is highly desired for this position. All staff hired

An Equal Opportunity/Affirmative Action Employer. Women, minorities, veterans and people with disabilities are strongly encouraged to apply.

for the Crib Support Branch at DFS shall acquire their Class B CDL license within one year of being hired. Failure to accomplish this may lead to loss of work or a lack of any work being available.

- Successful completion of all training and testing required by DFS for operating any equipment used in training by DFS.
This would include but not be limited to all of our fire apparatus, other vehicles used by the Cribroom, powered equipment, hand tools, or any other equipment used for the delivery or conducting of our training programs.
- Able to take direction and follow instructions without deviating for planned program objectives.
- Available on call as needed at various hours of the day, including weekends, as required for successful delivery of program materials, supplies, and props to various locations throughout the Commonwealth.
- Familiar with all props and equipment used in training by MFA
- Able to accomplish assigned work with little or no supervision.
- Able to make decisions based on good judgment and in the best interest of the DFS.

Reports To: Coordinator, Assistant Coordinator, or Support OD

How to Apply:

Submit cover letter, resume and application no later than November 12, 2010 to:

Yolanda Rosario, Director of Personnel and Payroll
Department of Fire Services
P.O. Box 1025 - State Road
Stow, MA 01775

Please download application from DFS website www.mass.gov/dfs and click on DFS employment opportunities.

An Equal Opportunity/Affirmative Action Employer. Women, minorities, veterans and people with disabilities are strongly encouraged to apply.